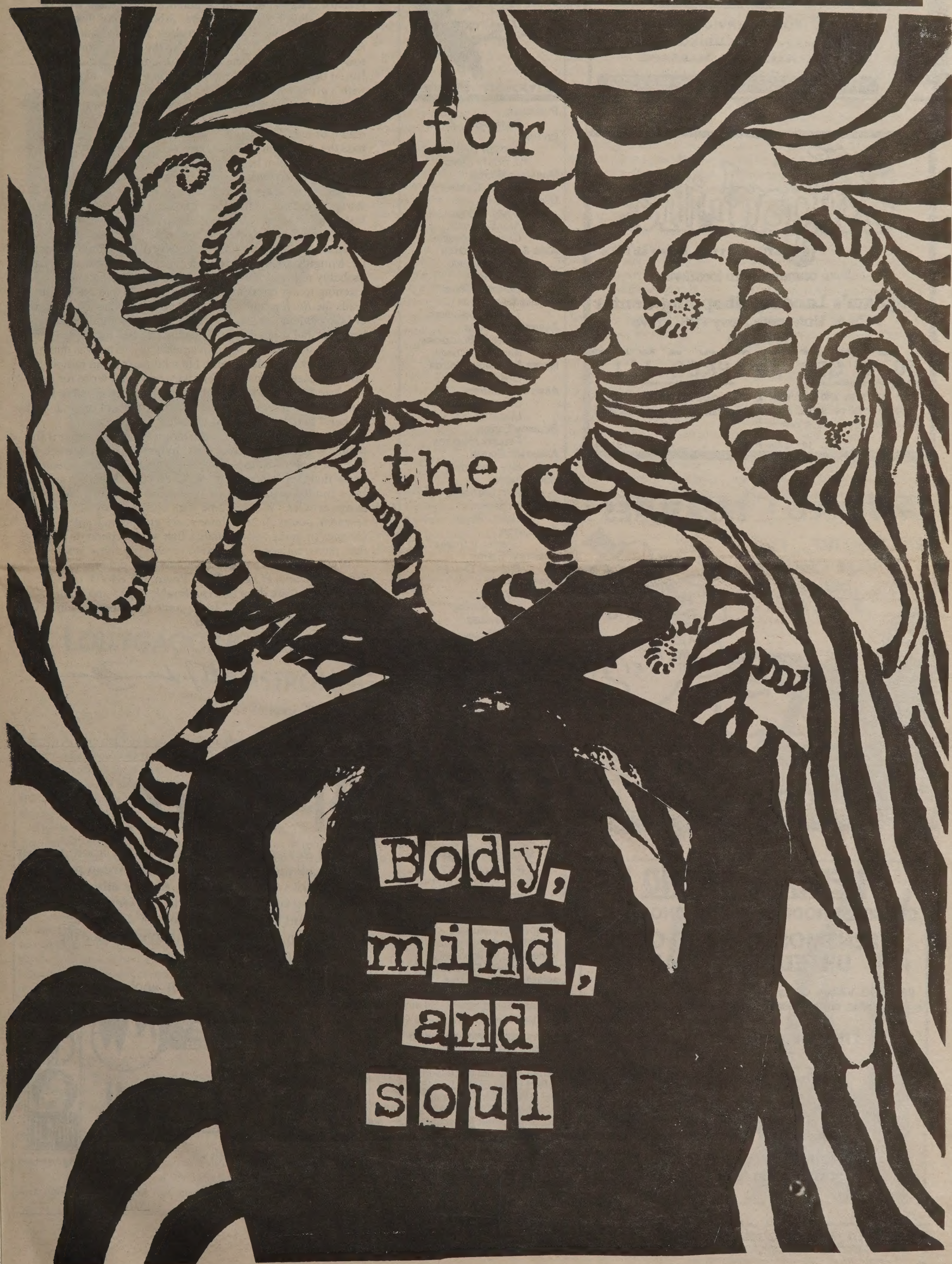


STUDENT REVIEW

BYU's UNOFFICIAL MAGAZINE • NOVEMBER 2, 1994



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Student Review
P.O. Box 2217
Provo, UT 84603
(801) 377-2980

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independent student
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Valley and its university
communities. Because *SR*
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combined *Generations*,
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horse-friend of everyone's
favorite green clay figure:
Gumby, most of those on
various *Jihads*, or the UN

Publisher's Note

I have a class in the Political Science Department with Dr. Lou Midgley: Federalist Papers. About two or three weeks ago—or whenever I was last in class, I handed out *Student Reviews*. Actually, I gave a stack to the first person in each row and said, "Take one and pass them on." Most did so. But in the row right below me, one guy tossed them aside with a grunt when he received the papers. It doesn't bother me that people don't like the *Review*—well not enormously, but this guy was refusing to let others make a decision to read it or not. So I acted. I gave him a note telling him to pass the papers on (though I must admit there may have been a reference to him being an illiterate jerk; although, I can't remember). He gave me a mean stare, but complied.

After class, there were about a dozen or so left over so I started to collect them. Then I noticed a doctored masthead. Instead of *Student Review* on the cover, someone had crossed out "Review" and written "Apostates." Thus, our paper was renamed *Student Apostates*. I quickly began complaining to Dr. Midgley about the idiots in his class, and how most have probably not read it. But then, a student who had been listening to our conversation (my bitching) told me that he reads the *Review* and that regardless of whether *SR* is worthy of being called *Student Apostates*, it's still sometimes heretical and often stupid. It seemed he had me there. But however sloth-like in my movements, my mind was that of a gazelle (not a gazelle's mind, but a human's mind moving as fast as a gazelle runs). "Well, why don't you write for us if you hate our articles so much," I retorted. I seemed to have him there. But he was not to be out-witted and replied, "Why bother?" and the conversation ended.

That got me thinking (something has to). I wonder if the people who read this know that anyone can submit articles. We often have professors submit articles, but do students know that they can as well. Well, do you? We have a staff, but a limited one. It primarily consists of editors. We do not assign articles. We welcome with open pages your thoughts, research, poetry, fiction, humor, art, and photographs. Our chances of being a high quality fish wrap depend on more than the twenty of us who go to meetings writing articles.

If you would like to submit something, either send it to *Student Review*, PO Box 2217, Provo, UT 84603, or put it in the Mama's Cafe drop box (preferably typed and on disk), or call Scott Craig at 370-2243, or come to a meeting which you can call me about at 373-8858.

Nick Zukin

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Apology

Student Review would like to formally apologize for the cancellation of our concert/Halloween party. We did not want to cancel it, but the city planning and zoning office forced us to. *Student Review* lost revenue and advertising expenses due to the cancellation. Sorry for any inconvenience the cancellation caused you.

We would also like to publicly apologize to our sponsors:

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They were patient with us.

Our apologies,
SR Staff

NINE INCH NAILS

By RINGWORM



The evening begins with the ghostly wailings of Jim Rose, a graceless animal who took huge pride in his exhibition's sheer unrelenting awfulness. It's a grotesque circus-comes-to-town perversion, with people who plod around the stage and try to impress by grossing the fans out. Walking on swords, swallowing razor blades, hanging irons from their ears, lifting bricks with just their nipples (ouch!), eating lightbulbs (the other half of this one comes the next morning in the bathroom), and pounding their faces in glass are just a few of the tidbits. This is truly awful showmanship.

Waiting for Nine Inch Nails to start gets a little old, so I decide to introduce myself to a few of the people around me. First, I meet a girl named Submarine.

"What?"

"Submarine."

"Why do they call you that?"

"Because I go down a lot."

"Down under what?"

"Whatever holds me down."

"Uh huh. Who was that guy security just hauled off?"

"He's the Crow."

"The Crow?"

"Yeah! You know the movie, right? The night after seeing the movie he woke up, put on that face paint, and hasn't taken it off since. He says he was reincarnated."

"Why was he jumping around like that?"

"He was trying to flyyyyyyyyy!"

At this point I give up any further conversation (not knowing if this girl is out of her mind) and just sit in my seat, quietly waiting for Nine Inch Nails to start.

A little while later, the closing bars of Led Zeppelin's tense-as-wire classic "Kashmir" fade away. Through the billowing parchment-colored sheets, dry ice, and piercing lights I can just make out the figure of Trent Reznor. The crowd erupts! This is the beginning. NIN deal in dreams. Reznor leans on the microphone stand, the drums begin their insistent beat, and the group are into their first number, "Mr. Self Destruct." The dream quickly fades.

Enigmatic, perverse, deadpan, Nine Inch Nails are so black they're a total eclipse of the art. Trent Reznor is a perfect reptilian Rasputin. He coils and recoils his spindly frame around the mike-stand, uttering lyrics in a voice that moves from a deep, shaky retort to an ear shattering scream. He unleashes a torrent of prowling malevolence and brooding sexuality. He throws instruments, beats his bass player, stomps on his synthesizer, and hurls himself prostrate onto the floor. When Trent sneers, the blood-lust on his breath could knock you sideways.

But how can songs about doom, death, destruction, and drugs leave me feeling energized,

vibrant, exorcised, even...happy? Probably because it's all a huge joke.

All rock bands revel in creating fantasies or visions. Through their visuals, attitude, and various peripheral associations, NIN construct theirs. The Stooges, Motorhead, black leather, girl/boy on a motorcycle, art, seedy psychedelia, The Doors, speeding through the night, Ginsberg, doing things, anything, chainsmoking, chrome, sex, Hendrix, death, voodoo, Manhattan ('65-'72), smiles, madness.

A thankfully uninhabitable and impossible world of wildness. But as a dream, the images portrayed remain vivid and powerful(alive, and therefore inspirational. In this respect, NIN are a cut above the other cult rock bands who are either tepid or crass, who idealize suffering and romanticize despair, dissolution, torture, and terror.

To me NIN are very important: musically, yes, but more importantly as a liberating influence. They recycle huge masses of musical sewage offloaded by the 70s-80s behemoths, and spew forth real emotion and upheaval. "Head Like a Hole" was the concert's best example, followed by "Happiness in Slavery," "Sin," "Reptile," "Lies," and "March of the Pigs." Unlike the songs off NIN's first platinum album,

"NINE INCH" CONT. PG 9

LOLLYGAGGING AROUND: STRETSCH ARMSTRONG

By TICHELE THORP

Stretsch Armstrong has been around the Provo scene for at least as long as I have been here (and I'm not about to admit how long that is). They'll hit their fourth year together in December, but of the eight members, only vocalist Scott Van Wagenen has been a part of it from the beginning. Van Wagenen, in fact, is the original member of Stretch Armstrong, which he started with three guitar players practicing in his bedroom at Raintree. Two would actually play guitar and the third played bass lines on his guitar while they practiced playing Jam, Joe Jackson, English Beat and Fishbone covers.

The music they play now, however, is all their own. The writing process is a totally spontaneous one, a "free-for-all" among the eight members, although Van Wagenen does write most of the lyrics. Fortunately, this has never led to any feuding or animosity between band members, who each bring their own styles and ideas to the process. They always seem to find common ground, and there is no room for ego problems, as they usually re-create whatever ideas anyone has.

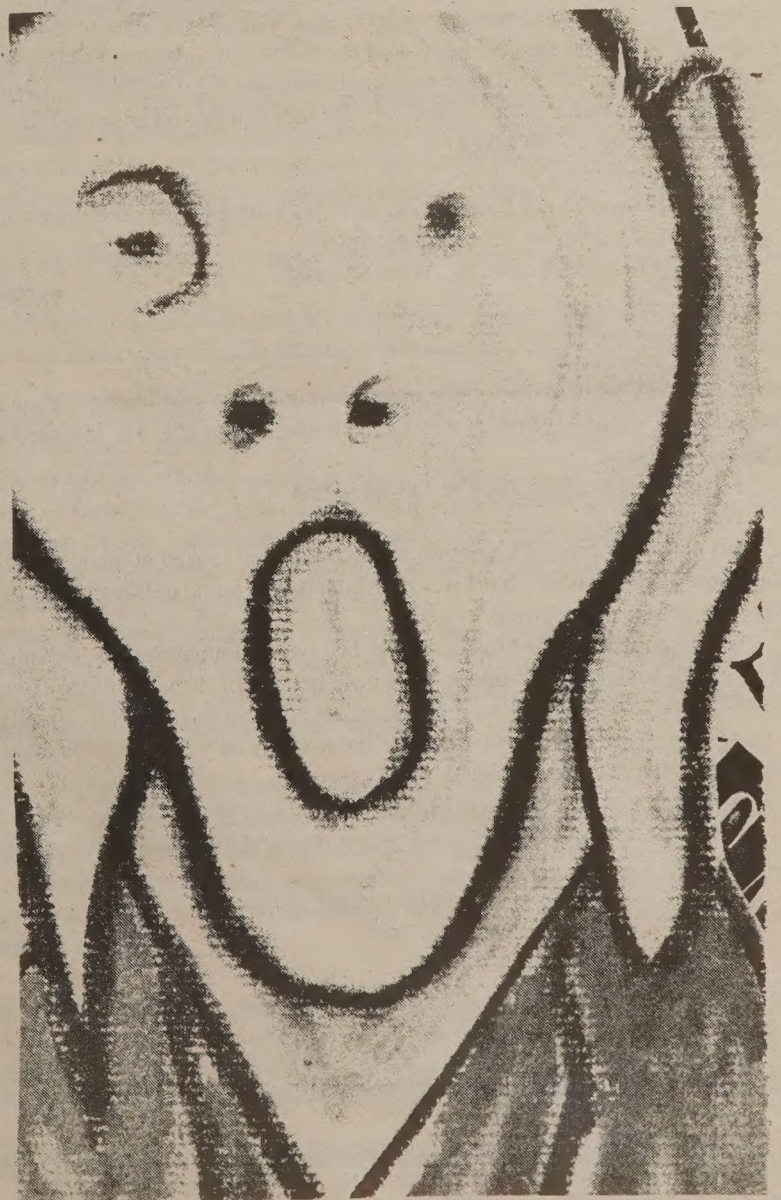
The core of their music comes from bass player Darren Hutchison, guitarist Mike South, drummer Dave Thomas, and of course, front man Van Wagenen. Their current style has evolved around this group. As for the other members, there is a "revolving door policy" for horn players. According to Thomas, there are several reasons for this. First of all, most of them are more accustomed to the structure of high school marching bands and have a difficult time "getting into it" like they need to. They have also had members leave due to differences of opinion in musical direction, personal dislike (on both sides), and, of course, to go on missions. Altogether, they have been through about 25 different people in the last four years, with the majority of these changes in the first two. They seem to be pretty comfortable with the present lineup, which includes Sterling Acomb on bari sax, Dan Nelson on alto sax, and Brian Rowley who plays both tenor and soprano sax. Ryan Ridges, the keyboardist, is also in medical school, so he is around "when they can get him."

Despite their somewhat tumultuous history, Stretsch Armstrong has retained a pretty strong following over the years, especially here in Provo. Since the release of their single, "Drool," which hit number two on X-96, they have gotten even stronger. A large percentage of their fans are found among the ranks of local high school students. They actually feel that this is to their advantage. According to Van Wagenen, "high school kids come out to the shows and get into the music...they know what's cool music, they buy the music, and they don't sit around and just judge what band's cool and what's not."

(I think that this last comment was directed towards me, but because these guys are among the most mellow, down to earth, ego-free musicians I have interviewed, I let it slide.)

Incidentally, I was told that "everybody who is anybody" knows how they got the name Stretch Armstrong. I don't fall into this category and had to admit ignorance. For those of you who are cursed to be

"STRETSCH" CONT. PAGE 8





My Best Proposal

BY GABRIELLE STANLEY

The first time anyone asked me to marry them was in a car on I-15 coming from St. George to Provo. I don't remember the exact conversation, but it wasn't very interesting. On the other hand, the second time I was proposed to makes for a pretty good story, and, I remember every word he said to me. It was a Sunday afternoon and I was meeting my date at the National Gallery of Art for a concert. The taxi picked me up in Alexandria, Virginia on route to the King Street Metro station.

As I climbed into the cab, he looked me in the eyes, and in a thick Italian accent, told me I was the most beautiful girl he'd ever seen, and asked me if I was French. I immediately took note that he was probably the handsomest cab driver I'd met to date and answered him that no, I wasn't.

"Are you Italian?" he asked.

"No, I'm American."

"Of course you're not Italian, your nose isn't big enough. See my nose? It's huge! It's Italian!"

"It's a very nice nose. You're from Italy?"

"Yes, my name is Valentino. What's yours?"

"Gabrielle."

"Are you an artist?"

"I'm studying art."

"I knew it!" he explained, then mentioned that he would like to see me again. I told him I was probably too young for him, (I was 19, he looked about 35). He said the last girl he dated was 18, I tried not to cringe.

"I like younger girls. They're funner in bed."

"Not me."

This comment caught Valentino off guard and he looked at me in the rearview mirror anticipating some sort of confession: that I was a lesbian or had some deformity. "I'm a Mormon. We don't have sex until we're married."

"Oh! I know all about Mormons! My last two roommates were Mormons. Myself, I'm a Muslim, but we both have lots in common. We both believe in strong families. For example, I don't want my wife to work. I mean, she can if she wants, but I want to support the family so she can be home."

I'm thinking, "Yeah, Valentino, she'll definitely be working. You drive a cab." But I say, "I'm sure you'll make a great husband."

"And that is why. . . (pause). . . I'm proposing to you right now."

I started laughing. "Valentino, I'm honored, but I just don't think it will happen."

"Why not?"

"Well, first of all, I was hoping to marry a Mormon."

"Didn't I tell you? I just got baptized!"

"Valentino?" (still laughing).

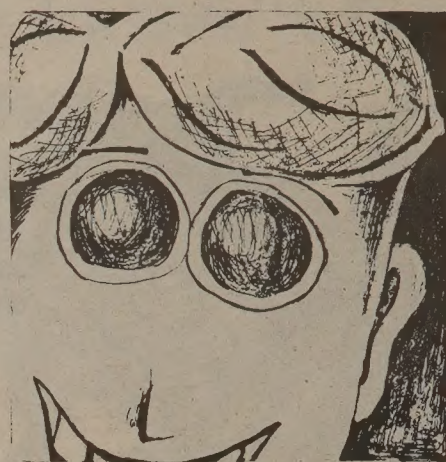
"Yeah?"

"I think you're full of balogna."

Valentino grinned as he pulled into King Street Station. When I paid my fare he took my hand and kissed it tenderly. He promised that next time my fare would be free and told me to call him anytime.

The King Street Metro is above ground and as I reached the top of the escalator I could still see sweet Valentino waiting outside his taxi. He started jumping up and down, shouting, "Goodbye Gabrielle! Goodbye Gabrielle!" The people around me stared and I climbed on the Metro. True story.

MATTHEW



PASS THE DRESS

WORKMANS

I was looking through some old columns and I made an interesting discovery. I realized that you readers are all a bunch of perverts. Over the past three years I have written columns that have dealt with a great many subjects. Politics, relationships, BYU's lame graduation policy, junk food, and *The Daily Universe* have all been given frequent treatment in this column, but those aren't the pieces you have really loved. The four most popular things I have ever written (as gauged by reader response) have covered the following subjects: Circumcision, my butt, public nudity, and a play called Lesbian Vampires of Sodom. Are you starting to notice a pattern? It seems you go for the columns that have a seedy undercurrent. I'm not putting the blame totally on you. After all, I am the one who actually wrote them. But let's face it, if you didn't like these "questionable" columns, I would stop writing them. I explain this so you'll realize that it's all your fault that I am writing about cross-dressing this week.

5249

Cross-dressing has been on my mind quite a bit lately, but I am not a cross-dresser. However, I had another one of those scary experiences at *The Gap* last week. I was milling around the store while a friend looked at whatever it is you look for at *The Gap* when I noticed a nice looking sweater. Before I could flip the tag around to see what it cost, I got that sinking feeling in my gut that I'm sure most guys would recognize. I looked around and realized my worst fears, I was standing right in the middle of the women's side of the store. Rats! I backed away slowly and spoke with a loud voice, "I bet my sister would really like this for her birthday! I would never wear it, though, I'm a guy! I don't get dressed up in women's clothing or anything like that!" I slinked out of the store with the few shreds of dignity I had left and contemplated how unfair it was that women could have free reign of *The Gap* but we had to stick to that one corner.

WASTED

That potentially scarring incident raised several questions in my mind. Why is it that men who cross-dress are considered sexually deviant, but cross-dressing women are generally considered runway models? I pondered this question for some time and realized that it was the only question raised by this incident and calling it "several" questions was a bit of an overstatement. But it is not an overstatement to say that I am not a cross-dresser.

D

Keeping that in mind, you can imagine how distressed I was when a friend introduced me as "Matt, who's also a cross-dresser." I am not a cross-dresser. At the very time this accusation was thrown at me, I was wearing a pair of pants and a shirt, which western society has defined as Guy Clothes. My so-called friend was making reference to the little TV show my friends and I do. (Author's Note: It's not really self-promotion if it comes up in the normal course of conversation) We do a sketch comedy program and (just like Monty Python and actors of Shakespeare's day) we play both the male and female roles. For some reason, I wind up playing a majority of the female roles and I guess I do wear a size 8 pretty well. However, I am not a cross-dresser.

CHARACTERS

That's what I tried to explain to the officer when he had me pulled over. I was trying to buy a beverage at *Taco Bell* while wearing a dress-like article in conjunction with our show and the police seemed to think I was a drunk driver. I would like to see one of those cops try to operate a manual-shift car in a tight fitting dress while holding this Vat-O' Pepsi I had just purchased. I'm sure they would have swerved a bit too when they realized that women's fashions of today don't offer nearly the range of motion that men's clothes do. But they pulled me over anyway and demanded to see a drivers license. I had not properly accessorized my outfit and had neglected to find a purse to go with the dress. The police asked me if I had been drinking, checked my registration, and apparently believed the

"WASTED CHARACTERS" CONT. NEXT PAGE

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BOTTOM TEN

bowheads, Saddam Hussein, pit,
Glenwood's missing gorilla campaign,
blisters, defenestration, blaring music in
the testing center, snappy alliteration,
real sweat, the Tattooed Teenage Alien
Fighters from Beverly Hills

Eavesdropper

OCTOBER 10 IN THE QUAD:

DENTALLY INEXPERIENCED GIRL: "YOU KNOW, I'VE NEVER
EVEN HAD A CAVITY, AND NOW THEY TELL ME I HAVE TO GET
MY WISDOM TEETH PULLED."

FEMALE FRIEND: "WOW, REALLY? ARE YOU SCARED?"

INEXPERIENCED GIRL: "YEAH, I'VE NEVER HAD ANYONE PLAY
WITH MY MOUTH BEFORE."

OCTOBER 11 IN THE RICHARDS BUILDING:

SEXIST MALE P.E. TEACHER: "WOMEN ARE RESPONSIBLE
FOR NINETY-FIVE PERCENT OF MEN'S ILLS."

CONTINUED...

WASTED CHARACTERS

TV show story. This was very good news for me, because a man in a dress usually does not fare well in prison. However, I'm not a cross-dresser.

I tried to tell the woman that, but she couldn't hear me over her own shrieks. Now I don't blame her for being a little shocked to see a full-grown man wearing a dress in her living room, but I had a good explanation. I was friends with her roommates who invited me over to pick out a fashionable yet modest dress to wear in our latest show. The roommates had gone outside for a second and I was waiting for them to come back in so they could offer their opinion on the outfit. Before I could explain this, she had run outside and was telling her roommates that there was a deviant in the living room. (I wonder of Milton Bearle had these problems.) After she was briefed on the situation, she came back in and said, "I didn't know you were a friend. Your life is your business. If you want to run around in a dress, that's your business." But I'm not a cross-dresser!

That's what I tried to explain to my mother but... Egad, I'm out of space for this column. I guess you'll have to wait for that story. But let me just assure you that I'm not a cross-dresser. Really.



A "How-To" FOR YOUR WEDDING DAY

BY GABRIELLE STANLEY

In celebration of my roommate's getting-closer-to-engagement I bought her a Bride's Magazine, which, in my opinion, is an invaluable piece of literature for any female considering marriage at some point in her life. Since the purchase date, the magazine has been read and reread by every girl in the house, as well as most of our visitors, hundreds of times. It's really no wonder, considering that it contains over 500 dress ideas and advice on every decision it would be possible to make when planning a wedding, including "How to pick a china pattern that truly reflects both you and your fiancée," and "How soon you should order your printed napkins." But the article which has stood out foremost in my mind since my first encounter with the magazine is entitled: "5 Wedding Glitches and What to do About Them".

The content of the article discusses glitches along the lines of: "what to do with unexpected guests while extra place-settings are being attended to", and "what to do when the flower girl throws a tantrum immediately preceding her walk down the aisle". Granted, these glitches may have some validity with those mormons wealthy enough to have a sit-down dinner reception for 500 or those who have chosen paths other than the temple in which to make their vows, but after reading the article, I imagined that a list of glitches plausible in a mormon wedding might be greatly appreciated.

So, in attempt to provide better service to mormon readers everywhere, I've compiled a list of 5 glitches more relevant to an LDS wedding and some practical advice on what to do about them:

5 Mormon Wedding Glitches (and what to do about them)

1) Q—What if the Mother-of-the-Bride is pregnant?

A—Don't despair. This is actually a very common glitch in our geographic area and you will be pleased to find you are not the first to encounter this dilemma. Luckily, in response to the growing demand, a variety of semi-formal to formal maternity dresses are now being sold in your favorite shades of mauve with beaded accents appropriate to a mother-of-the-bride-dress. Also, well-placed foliage can work wonders in camouflaging depth and volume.

2)Q—What if the figurine atop the wedding cake is depicted in an off-the-shoulder dress? (i.e. implying the bride is not temple-marriage material)

A—At a time like this, quick-thinking and common sense are your best defences. Inform your mother of the problem and suggest that she take some spare frosting or whipped-cream to create a more modest look for the ceramic hussy.

3)Q—What if you have more female relatives expecting to be in your line than you have guests?

A—This can be a touchy subject for some families and no one wants to get their feelings hurt, so, we counsel you to be totally objective should this situation occur. Choosing random factors to use as cut-off points, like color of hair, shoe size, or favorite album, and eliminating anyone who doesn't fall under those descriptors can often prevent you from stepping on anyone's toes when picking your bridesmaids.

4)Q—What if you forget to invite the ward basketball coach and to retaliate he schedules the annual 5-Stake B-Ball Tournament in the cultural hall the same night as your reception?

A—Stay calm and attend to things in order of immediate importance. First, remove any and all food items from directly beneath the backboard, especially the punch bowl. Second, with tears in your eyes explain to the basketball teams that they are ruining the most important day of your life and offer to let them decorate your escape vehicle in return for postponing the tournament till another day.

5)Q—What if a Bagpiper shows up?

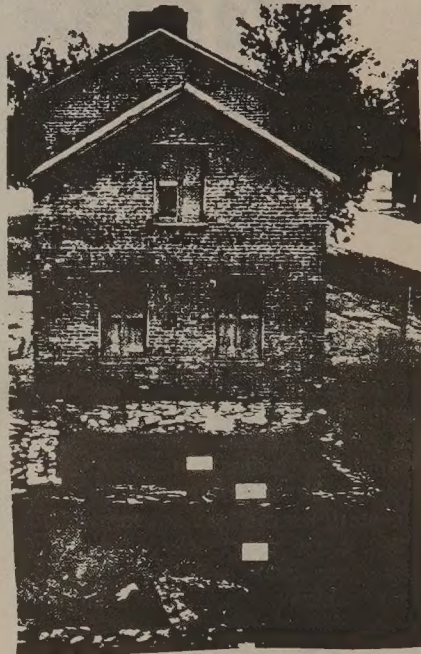
A—Now this may seem like an unusual glitch, but I am a witness that it happens. So, if a strange man shows up in a kilt and tube socks with green stripes at the top, announcing that he knows two songs: a wedding song and a funeral song, and he wants to know which you would prefer to hear, take a minute to put a smile on your face before you suggest that the wedding song would surely be more appropriate in this case. Then, in your new spouse's arms break into your favorite Scottish jig and pretend that the bagpiper was intended as surprise entertainment by your mother-in-law.

If you found these suggestions to be at all helpful, I am happy to inform you that many more can be found by contacting me by phone or mail. To ease your wedding stress I've developed solutions to 101 glitches such as these: "If the wrong room is scheduled in the Temple", "If the photographer's son has a pack meeting the same time as your reception", and "What to do if the Bishop's unwed daughter has a baby on your wedding day".

Good luck with the wedding plans and I truly hope I've helped to make your wedding day "the happiest day of your life".

THE PEOPLE VS. THE PROPHET: JOSEPH SMITH AND THE CRIMINAL LAW IN NAUVOO

BY MARSHALL HAMILTON



Most inquiries into the relations between the Mormons and their neighbors during the Nauvoo period discuss at some length the criminal charges that plagued Joseph Smith, their leader, during that time.¹ As one example of the significance of those criminal law cases, immediately after the assassination of Smith, an anti-Mormon newspaper published near Nauvoo mentioned abuse of criminal law process as one of the four problems which led to the killing of Smith, and which, in the opinion of the editorial writer, probably Thomas C. Sharp, would justify the expulsion of the Mormons from their homes in Illinois. (WS 10 Jul 1844)

While several writers have investigated the criminal charges against Smith and the legal processes that resulted from them in the context of other events in Nauvoo, one scholar, George R. Gayler, has published two versions of a paper focusing exclusively on the criminal charges which originated in Missouri. (Gayler 1955; Gayler 1963). Unfortunately, both versions of Gayler's article include a number of factual errors, many of which have appeared in other analyses of the Nauvoo period, both before and since Gayler's work. My purpose is to correct those errors and describe the truth about the proceedings.

ARRESTS OF 1840-1841

The criminal processes against the prophet encompass the entire period of the Mormons' stay in Illinois. Joseph Smith arrived in Illinois on April 22, 1839 as a fugitive from justice, having just escaped from custody in Missouri. (HC 3:320-321) He had been charged with treason, a capital offense, and several lesser offenses after the Missouri militia moved against the Mormons in frontier Missouri. (LeSeur 1987, 195-218; Document 1841, 97-151; Senate Document 189 1841) Smith was never tried on those Missouri charges; his history at one point says he was "sentenced" to the Liberty, Missouri, jail. But the correct term is "bound over for trial," as suggested in another place in the history. (HC 3:215, 212) Smith spent about five months at the Liberty jail during the winter of 1838-9, and his escape took place before the trial began.

The Mormon refugees in 1839 hoped that Missouri would not try to press the still-unresolved treason charges, once the Mormons were permanently out of the state. In fact, many Mormons, including the writer of Joseph Smith's *History of the*

Church, insisted that Missouri had "no claim," since Smith's jailers had more or less encouraged the escape of the prisoners. (4:198-99) Of course, their escape, under whatever circumstances, would not constitute an adjudication of the charges, so beliefs that the case had been resolved were based more on wishes than substance. (See Brodie 1946, 272 for a discussion on this point.)

Nevertheless, it's possible that those charges might have been forgotten, except that Missouri's leaders were embarrassed and angered when Joseph Smith and Elias Higbee went to Washington seeking money damages for expropriated Mormon land in Missouri, offering both a lengthy petition and numerous affidavits in support of their claim. (Hill 1977, 288; HC 4:24-74)

Almost 17 months later after the escape of the prophet and his companions from Missouri, Governor Boggs of Missouri sent a requisition to the governor of Illinois, Thomas Carlin, asking for the arrest and extradition of the escapees. Carlin received the envoys from Boggs on Sunday, September 6, 1840.

Pursuant to his oath of office, the governor of Illinois was required to issue a warrant and deliver the prisoners, once arrested, to the agent of Missouri. (see *Ex Parte Smith*, 376)² Gayler suggests that Carlin was guilty of "underhanded dealing" for issuing his arrest warrant for Smith, (1955, 6; 1963, 24) but the opinion in *Ex Parte Smith* makes clear that the Illinois governor was constrained to issue a warrant under the circumstances; no discretion was involved.

A correspondent of the *Western World* newspaper, printed in Warsaw, 12 miles from Nauvoo, reported a rumor that a courier had been sent from Quincy, where the governor met with the agents of Missouri, to Nauvoo to warn the Mormon leaders of an upcoming warrant. The newspaper at Warsaw, which would eventually become the organ of Anti-Mormons, in 1840 was under the management of D.N. White a devoted Whig partisan. White published this unsubstantiated letter suggesting that the democrat Carlin warned Smith in a corrupt bargain aimed at preserving Mormon votes from Democratic president Martin Van Buren at the November election. (WW 16 Sep 1840)

Perhaps because of such a warning from Carlin, Joseph Smith and the other defendants were able to evade arrest. The sheriff who went to Nauvoo returned the warrants,

unexecuted, to the governor in Quincy. (TS Sep 1840, 170)

There matters stood until the following summer. On 5 June 1841 Joseph Smith brazenly visited Governor Carlin at the latter's home in Quincy. Carlin sent Adams County Sheriff King with the old unexecuted warrant from the previous autumn to take Smith into custody before Smith could return to Nauvoo.⁴ The charges included treason, arson, burglary, robbery, and larceny, the same charges on which the prophet had been held in Liberty, (Document) plus an additional charge of being a fugitive from justice.⁵

The prophet could not be spirited away to Missouri with out a hearing, and the process began with an appearance in Quincy before Master in Chancery⁶ for Adams County Calvin A. Warren.⁷

The prophet sought a writ of *habeas corpus*, to be heard by the judge of that judicial circuit, Stephen A. Douglas. The circuit court was to open the following Tuesday in Monmouth, Illinois, about 100 miles from Quincy, and Douglas scheduled a hearing on the writ of *habeas corpus* for 8 June 1841, Monmouth.

The hearing was marked by some political intrigue, since Douglas was a prominent Democrat, and many of the prophet's attorneys were Whigs. It's important to realize that the hearing was a *habeas corpus* proceeding to investigate whether Smith was being legally held in custody. It was not, as Gayler would have it, a "trial on the charge of treason against the State of Missouri." (1955, 6; 1963, 25) Some of the attorneys' arguments no doubt went beyond the issue of whether the imprisonment was legal, (see HC 4:367-8) but it's clear from Douglas' decision that he confined himself to the narrow question of whether the imprisonment was legal.

Douglas decided that Smith was to be freed on a technicality: that the sheriff, in returning the arrest warrant to the governor the previous September, had, in essence, canceled the warrant. Smith could not be held again on the same warrant, and since Governor Carlin had not issued a new one, Smith must be freed. (TS 15 Jun 1841, 448) Thus the immediate problem—Smith's arrest—was solved, but there was still not adjudication of the Missouri criminal charges, which would come back to haunt Smith and the Mormons two years later.

At about the same time as the proceeding before Stephen Douglas, Warsaw

Signal editor Thomas Sharp became an implacable enemy of Joseph Smith and relations between the Mormons and their neighbors took a decisive turn for the worse.

In the spring of 1842, Joseph Smith took two important steps to solidify the unity of the Mormons. Both of which were, at least partly, designed to protect the Saints from violence. The two steps were the chartering of the Nauvoo Masonic Lodge and the initiation of the endowment ceremony.

ARREST OF 1842

The next criminal charge against Joseph Smith involved an incident on 6 May 1842. Lilburn W. Boggs, governor of Missouri at the time of the expulsion of the Mormons, and hated by them as a result, had left office and was spending a quiet evening at his home in Independence. Someone shot him from outside the house and it was feared that his wounds were fatal. The initial reaction from the Mormon city was cautious jubilation. One letter writer calling himself Vortex⁸ told the *Wasp* newspaper in Nauvoo that the presumed murderer was a "Noble Deed." (28 May 1842)⁹ The prophet put a letter into the *Wasp* saying that the *Quincy Whig* newspaper had done him a "manifest injustice in ascribing to [him] a prediction of the demise of Lilburn W. Boggs...by violent hands." (28 May 1842)¹⁰

Other non-Mormons, encouraged by Mormon defector John Cook Bennett, who left Nauvoo promising to expose corruption in Nauvoo at about the same time, came to agree with editor Thomas Sharp that "Joe Smith was the real instigator of Boggs' assassination." (WS 8 Jul 1842)

Boggs surprised everyone by surviving the shooting, and on 20 July 1842 he swore out an affidavit formally charging Joseph Smith with being "accessory before the fact of the intended murder."

The governor of Missouri certified Boggs' affidavit as authentic, and sent it, along with his own requisition, to the Illinois Governor Carlin. Boggs requested that Carlin arrest Joseph Smith and send him to Missouri for trial. Carlin, as he was obliged to do, issued an arrest warrant and sent a sheriff to Nauvoo to take Joseph into custody. (*Ex Parte Smith* 374)

The sheriff came to Nauvoo on Monday, 8 August 1842, and did take Smith, along with O.P. Rockwell, who was charged as the triggerman, into custody. The Nauvoo Municipal Court immediately issued a writ of *habeas corpus*, requiring Smith and Rockwell to be brought before the court. The writ apparently unnerved the officers, who left town without their prisoners, to seek further instructions from the governor. (TS 15 Aug 1842, 887-8; *Wasp* 13 Aug 1842; WS 13 Aug 1842, HC 5:86-7)¹¹ To drive home the point that Nauvoo did not intend to see its prophet arrested, the city council met that very day and passed an ordinance affirming the Nauvoo court's right to look beyond the purpose of the custody and to try the underlying cause of action. (*Wasp* 13 Aug 1842; WS 20 Aug 1842; Brodie 1946, 324)

The officers returned to Nauvoo two days later, and again from time to time until the end of 1842, but they were unable to find Joseph to arrest him again.¹² Fearing that the Nauvoo municipal court might prove ineffectual at preserving his liberty, Smith lived "on the underground," traveling from sanctuary to sanctuary, protected by his followers.

Living in hiding proved to be a burden for the prophet, who always delighted in social interaction. Other church leaders, including assistant president Sidney Rigdon, sought legal advice that might clarify his stature in the eyes of the law.

Justin Butterfield, a Chicago attorney, wrote Ridgon a lengthy letter, full of legal arguments and precedents, advising Smith to request that the warrant be revoked, or to apply to the Illinois Supreme Court for *habeas corpus*. Butterfield's argument was that a person being extradited must be

charged with a crime committed in the state seeking his extradition, and must have fled from that state after the crime had been committed. Since Smith could prove that neither condition was met, he could be assured that extradition would be denied. (HC 5:173-9) Based on Butterfield's reasoning, and on a confirming letter from Thomas Ford who replace Carlin as Illinois governor during the autumn,¹³ Smith went to Springfield and sought a writ of *habeas corpus* in the federal district court¹⁴ of Judge Nathaniel Pope.¹⁵

Pope's opinion is well thought out, and accepts Butterfield's arguments in all the essential points. In the opinion issued 2 January 1843 Smith was discharged from arrest, not because he was tried on the facts of the case, but because Pope ruled that the Illinois arrest warrant, based as it was on the allegations of Boggs in his affidavit, was flawed to the point that it could not "be received as evidence to deprive a citizen of his liberty, and transport him to a foreign state for trial." (Ex Parte Smith, WM 11 Feb 1843; HC 5:223-31)¹⁶

ARRESTS OF 1843

Smith returned to his normal social life in Nauvoo, while Missouri officials were reduced to licking their wounds. Smith had escaped their jail, had maligned the state before the federal officers in Washington, and was believed to have sponsored an attack on a former governor, yet was able to evade the Missouri courts which wanted desperately to bring him before the bar.

Plans were carefully laid to seize the prophet far from Nauvoo, and to take him into Missouri without allowing him to escape. Finally, in June, a new requisition seeking Joseph's arrest on the old Missouri charges of treason and several lesser accounts was prepared and sent to Governor Ford of Illinois. Ford considered the requisition, found it acceptable in form, and issued an arrest warrant for Smith. (Ford 1854, 315)¹⁷

Joseph and Emma, his wife, went to visit members of her family who lived near Dixon, Illinois. Smith was arrested there on 23 June 1843 by a constable from Carthage, and Sheriff Reynolds of Jackson County, Missouri, sent as the agent of Missouri to return Smith to that state. (NN 5 Jul 1843, WM 12 Jul 1843, HC 5:440-2) Smith was immediately turned over to Reynolds for transport to Missouri.¹⁸

Smith sought the writ of *habeas corpus*, and was told, "You shan't have one," by Reynolds. On that basis, the sheriff of Lee County was called, and Smith swore out a warrant for false imprisonment against his two captors. Smith also engaged Cyrus Walker, a Whig running for Congress as defense counsel. Walker was able to obtain a *habeas corpus* writ, but the nearest judge, in Ottawa, proved to be out of town.

Another writ was issued, to be heard by "the nearest tribunal in the fifth judicial circuit authorized to hear, and determine, writs of *habeas corpus*." (NN 5 Jul 1843; HC 4:447)

An unlikely procession set out to find the "nearest" court. On 26 Jun 1843 they left for Quincy, believed by Smith's captors to be the place where Smith's *habeas corpus* writ would be heard. Included in the group were Smith and his captors, Smith's three lawyers, a guard, the stagecoach crew—and the sheriff of Dixon County, who held Smith's captors in custody, on the charge of false imprisonment. (WM 12 Jul 1843)

Along the road the company was met on 27 Jun 1843 by a party from Nauvoo. Joseph's concern is clear from the fact that he was moved to tears by seeing his friends. He exclaimed, "I am not going to Missouri this time. These are my boys." Before long there were about 175 rescuers from Nauvoo in the group. (WM 12 Jul 1843, HC 5:449)

With an escort of Smith's friends, the group approached Nauvoo. It's unclear when Reynolds, of Missouri, realized that the group would not go beyond Nauvoo to Quincy, but Smith's journal records that it was at about this point that he and his lawyers agreed that the Nauvoo municipal court was the "nearest tribunal" that could hear a *habeas corpus* writ. (HC 5:456)¹⁹ In any case, it was decided, perhaps by force of numbers, that the case would be heard in Nauvoo. over Reynolds's objection, the case was heard by the Nauvoo court and Smith was released from custody on 1 July 1843. (NN 5 Jul 1843; WM 12 Jul 1843; Ford 1854, 316; HC 5:463)

Reynolds never accepted the jurisdiction of the Nauvoo court in the matter and asked Governor Ford to call out a detachment of militia to retake Smith. Ford, however, declined. (WM 20 Sep 1843)

Later in 1843, two cases of assault were reported to be filed against the prophet, both stemming from attacks at Nauvoo against anti-Mormons.

In time, a Warsaw resident named Bennett had been chided by the prophet for talking and disturbing a church meeting on 17 September 1843. When Bennett refused to stop talking, he claimed that Smith struck him with his cane. He filed charges with Warsaw justice of the peace, George Rockwell, but the constable, when appearing with the arrest warrant, was told that the charges had already been adjudicated before the Nauvoo municipal court, and that Smith had already been found innocent. (WM 20 Sep 1843, 27 Sep 1843, 4 Oct 1843; WS 24 Apr 1844, 17 Jul 1844)

At about the same time, county tax collector Walter Bagby accused Smith of attacking him in retaliation for a two-year-

old mistake. A piece of real estate belonging to Smith was sold to pay back taxes, although the taxes had, in fact been paid. (WS 26 Jan 1842, 29 Dec 1841) Smith, as one of Hancock County's major landowners, met frequently with Bagby, but in the fall of 1843, Bagby accused Smith of knocking him off his horse. In like manner, Smith apparently avoided Bagby's warrant by claiming that the case had already been adjudicated in Nauvoo. (WM 11 Oct 1843; WS 24 Apr, 1844, 17 Jul 1844)

Smith's journal is silent on both these matters, but it is clear that the Nauvooans were expressing animus toward Bagby in the fall of 1843. (In the NN of 13 Sep 183, Bagby, of Carthage, Illinois, is satirically compared with the ancient Carthaginian general.)

INDICTMENTS OF 1844

There were no further attempts by Missouri to bring Smith to trial. However, over the course of the next year, internal dissension in the church began to threaten the organization—and the prophet—from within. Ford attributes the internal discontent to Joseph's arrogance, born of his repeated successes at beating the legal system. (1854, 320)

Some of the leading apostates had been leaders of the church and wielded considerable influence in Nauvoo. They decided to set up an alternate church organization for the 300 or so who were similarly dissatisfied. These apostates, not Missouri, accounted for the criminal law processes against Joseph Smith in the last year of his life.

The circuit court came to Carthage, the county seat for Hancock County, twice a year in the 1840's—for terms in May and October. At the May 1844 court week, William Law and Robert Foster testified before the grand jury that Smith was guilty of adultery and perjury. (HC 6:403, 405; Brodie 1946, 372-3)²⁰ After the prophet heard on May 25 that an indictment on those charges had been issued, he rode to Carthage on May 27 and demanded an immediate trial. His request was denied and the case was bound over to the October term of court. (HC 6:412-3)

The next month, on June 7, the dissenters published the first and only issue of a new newspaper, the *Nauvoo Expositor*. Unhappy with the prospect of a competing religious voice in Nauvoo, the Joseph Smith-dominated city council met and ordered that the press and type of the apostates be destroyed. (HC 6:433-8), Oaks, 1965) Francis Higbee, one of the owners of the ill-fated press, went to a justice of the peace in Carthage on June 12 and swore that Smith and other members of the Nauvoo council were guilty of riot.

Rather than take his chances with the justice of the peace in Carthage, Smith appeared before the Nauvoo municipal court, and was promptly acquitted. (HC 6:456) This cavalier treatment of a criminal charge, coupled with the contention from almost all non-Mormons that his release from every criminal charge showed a thorough contempt for non-Nauvoo legal proceedings, prompted Governor Ford to require Smith to appear in Carthage to answer the charge of riot.

On June 24, 1844, Smith acceded to the governor, and surrendered himself in Carthage with the other members of the city council. All were released on bail, except for Joseph and his brother Hyrum. They continued to be held on yet another charge, filed by another apostate.

The new charge was treason against the state of Illinois. The charge grew out of their action as leaders of the Nauvoo Legion militia. During the weeks after the destruction of the *Expositor*, the Legion was called to an alert status, and, although no declaration had been made, Nauvoo was kept under a state similar to martial law. (WS 19 Jun 1844; HC 6:561-2)

A justice of the peace was authorized to release prisoners held for riot, but only a circuit court judge could set bail for the capital crime of treason!!! so the two Smiths were held until such a judge could come to Carthage. (HC 6:567-70) It was while in custody on that treason charge that Joseph and Hyrum were assassinated in the Carthage Jail on 27 Jun 1844. Joseph's death, of course, ended the criminal charges still outstanding against him.

The attempts to bring Joseph Smith to

trial ultimately failed to convict him of anything. Similarly, during the Nauvoo years, he was not acquitted of any charges either—being released after each arrest, except the two charges outstanding at his death, on technical defects, or after "trials" held in Nauvoo for incidents occurring a great distance away in those trials, there was not even a regular prosecutor prevents the state's evidence—there cannot be considered real acquittals.

This is not to say that those who sought criminal warrants against Smith failed. Defending himself soaked up time and money-precious commodities for a man building a frontier city. Avoiding capture occupied still more time, caused some followers to make accusations of cowardice, and made his life miserable. After his death, what his detractors saw as flouting the law, was one of the four key arguments his enemies made for further harassment of his people. (Hamilton 1989a)

Clearly, the criminal charges took their toll on the prophet, and prevented both Joseph Smith, the man and the city of Nauvoo from achieving their potential.

Notes

1. An important exception is Flanders (1965), who mentions some of Smith's legal problems in passing, but who fails to describe them thoroughly or assign particular importance to them. This cursory treatment of criminal law processes is in contrast to Flanders' wealth of detail in describing land and contract transactions in Nauvoo.

2. Newell and Avery, without providing a reference, assert that "Boggs sent his own men to Illinois to arrest Joseph." (1984, 91) The present author is unable to corroborate that statement from other sources.

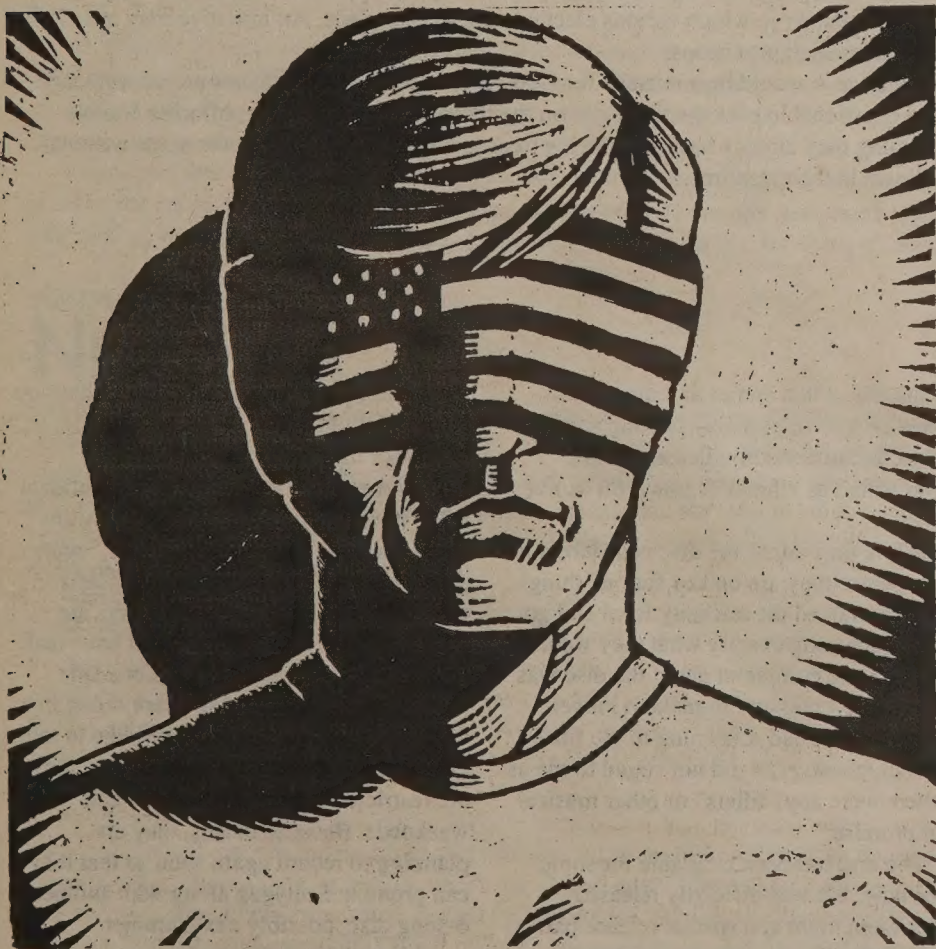
3. Gayler (1965, 5; 1963, 24) suggests that the arrest took place on 4 Jun 1841, but the contemporary chronologies in TS 2:447 (15 Jun 1841), WS 9 Jun 1841, and HC 4:365 make it clear that the correct date is Saturday, 5 Jun.

4. Winn (1989, 164) claims that this arrest was made by "Missouri agents" who arrested Smith as a fugitive from justice. In fact, the arrest was made by the sheriff of Adams County, Thomas King, with a posse. One member of the party was an agent of the state of Missouri, whose sole job was to receive the prisoner and transport him to Missouri. (HC 4:364) The arrest was effected by the legality constituted officer of Illinois, acting under the direction of the governor, who, as chief executive, is the highest ranking law enforcement officer in the state. Out-of-state officers who are not acting under the authority of the state executive have no authority to make arrests or enforce the laws.

5. Illinois Governor Thomas Ford, in his *History of Illinois*, rather thoroughly mixes up the chronology of these events. Writing, apparently from memory, several years afterward, Ford (1854, 255) states that Missouri's first requisition came in the fall of 1841, not 1840. He avers that the warrant was returned to the agent "soon" after its original return to the governor; in fact, about nine months elapsed. Ford also mistakenly implies that Mormon leader John Bennett was appointed master in chancery for Hancock County after Smith's arrest of 5 Jun 1841; in fact, that appointment took place in May 1841. Ford also made a statement that became well known about Joseph Smith's legal sophistication: "whether the decision [of Judge Douglas in June 1841] was right or wrong, Joe Smith was not lawyer enough to know, and was therefore the more inclined to esteem his discharge as a great favor from the democratic party." (Ford 1854, 266-67)

6. A mastery in chancery in frontier Illinois was a county officer charged with assisting the circuit court judge by performing some judicial functions, including setting bail for criminal defendants, during times when the circuit court was not sitting in a given county. Circuit courts often spent no more than two weeks per year in a county. (See Oaks and Hill 1975, 1-5 for a description of early Illinois' "court weeks.") Warren was not a judge, as Gayler has it, (1955, 6; 1963, 24) nor could

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INITIATIVE A: HALF-BAKED AND OVERCOOKED

BY ANDREW CHRISTENSEN

On November 8, voters in Utah will accept or reject a controversial initiative which would amend Utah's current term-limit law to further reduce the terms cap, immediately place a creeping stranglehold on Utah's voice in Washington, and attack the healthy implementation of democratic principles in Utah's electoral procedure. The initiative is ill-conceived, unnecessary, and potentially harmful to Utahns.

Initiative A proposes to limit the terms of elected officials at all levels in the state to periods shorter than provided for in legislation passed earlier this year. Although current Utah law represents the most progressive legislation enacted by any legislative body in the nation regarding term-limits, Initiative A's supporters would add three troublesome elements. None of these additions is justified. First, where current state law places a cap of twelve years on elected officials, Initiative A would shorten that to a cap of eight years, except for senators. Second, where state law allows for a delay before Utah unilaterally stifles its own tenured voice in Congress, Initiative A would immediately threaten the influence of our representatives. Third, the initiative is only partially about term-limits. The bulk of the initiative actually deals with run-off elections, which have never been the lifejacket of pure democracy as their supporters assert.

If term limits are a good means by which to increase the integrity of representation of Congress, they are good as a function of their responsible implementation. Opponents of term limits point out that making an official a "lame duck" earlier in his career will not necessarily increase his responsiveness to voters. Further, limiting the institutional memory of a governing body that deals daily with complex social, economic, and other matters is not a guarantee that it will do its job more efficiently, despite the claims of those who see romantic visions of rotating-door "citizen governments." Similarly, if staffs of advisors and lobbyists come to have more longevity and continuity in Washington than the elected officials themselves, surely government will not be more independent of their voices. For all of these considerations, if we are to have term-limits at all, twelve years is not too long for a democratically elected official to be in office. By reducing the term cap, Initiative A does not improve upon current Utah law.

Further, since Congress relies heavily on the seniority system to divvy out key positions (influential committee chairs, for example), any state would be foolish to limit the potential for tenure of its own representatives until many other states also do the same. The current Utah law provides that Utah's congressional delegates will not be subject to term-limits until at least 24 other states' representatives are similarly limited. At that time, Utahns can be confident that sufficient voice for procedural reform will be in force in Congress. This is an important safety measure for any state, let alone Utah which is arguably more subject to Congressional policy-making than some other states, since 60% of the state is federal land. Initiative A ignores this problem. To pass Initiative A would be to throw out this mechanism for no apparent reason.

Finally, and most important, is the second proposal of Initiative A. While making no real improvement on Utah's current term-limit law, Initiative A's supporters ask voters to swallow a big additional pill: run-off elections. In theory, run-off elections are meant to provide more democratic government by requiring that any candidate receive at least 51% of the vote in order to win. If no candidate does so in the normal election, then a run-off is held between the top two contenders. The winner of that election will be the victor. The

principle that an elected official should receive a solid majority may be a good one; but in practice, a decidedly less democratic result is achieved: turn-out in run-off elections is invariably low enough that the winning candidate is elected by fewer votes than the first place candidate received to begin with. If the two are the same, then all is well. But if the second place candidate in the main election wins the run-off by getting a larger share of a smaller number of votes, how can this be a better system?

One sample case will illustrate the weakness of run-off election schemes. In a 1992 Georgia race for U.S. Senate, the incumbent received 49 percent of the vote, with a total of 1.1 million votes. In the run-off, voter turnout was characteristically low, and when his opponent captured just 635,000 votes, the incumbent was defeated. Those 635,000 votes represent 28% of the votes cast in the original election, and this result represents the type of "democracy" that run-off elections would bring.

Furthermore, run-off elections are not cheap. The cost of a general election for Salt Lake County alone is approximately \$85,000. Many of the costs associated with elections are for preparations that would have to be started well in advance of the general elections, meaning that costly preparations would have to begin before the need for a run-off could be certain.

Who benefits? Any candidate who leads a well enough organized cadre of voters to ensure high relative turn-out in a second election will do well, because fewer voters overall will take the trouble to get to the polls again. In this way his or her small percentage of the voting public as a whole can see its voice magnified, and its candidate elected. Run-off elections are a costly mechanism for ensuring that democracy can be turned on its ear by the cooperation of a well-organized minority and a public which would rather sit on its collective rear-end and choose a TV dinner instead of a congressman.

Initiative A is one of eight state initiatives in the U.S. this fall which puts term-limits before voters. Sixteen states already have such legislation, brought to law by popular initiatives, and these last eight states represent the balance of states in which the initiative procedure exists. So far, in every state where term-limits have been presented to the public, they have passed. Initiative A, however, is unique in that it straps two arguably unrelated pieces of legislation into one document. Such binding of unrelated proposals is illegal in most states' initiative-governing legislation. In fact, it is a violation of the rules of the Utah legislature, and could not be passed there. For this reason, as well as the strange democracy that this additional piece of legislation would bring, the run-off clause is, and should be, a serious Achilles' heel for the initiative.

No attempt is made here to discuss the dubious constitutionality of term-limits. Indeed, all of the flurry of recent legislation and debate may well be moot within a few

months. Even the run-off clause, which starts on stronger legal ground, in fact violates the Utah constitution by directly challenging specific provisions which outline in very clear terms the manner in which various elections are to take place. An initiative may not legally alter such provisions.

Initiative A would be a mistake for Utah. It is expensive. Its reforms are unnecessary. It is a questionable package that rides on the discontent of the public, offering Utahns something they already have, and trying to drop Rapunzel's hair down to some political sideliners in the meantime.



CONTINUED...

STRETCSH

of the younger generation, Stretch Armstrong was a super-hero doll made by Hasbro in the 1970's. It was made of rubber and filled with cherry syrup, which allowed it to be pulled and twisted. It is pretty ironic in light of all of the changes that have been made in the band over the years, the most recent of which is the spelling of their name, which was done for copyright reasons. The band changed the spelling of their name after a lawsuit.

Having never been a ska fan myself, I was surprised at how much I liked Stretsch Armstrong when I saw them play. Their show is highly energetic, and the music is actually really good. Because (unlike their high school fans), I do sit around and say who is cool and who isn't, I was able to get a pre-release copy of their new CD, "Lollygag." It has immediately become part of my "staple core" of favorite music.

Because I am a recently "converted" fan both to Stretsch and the genre in general, I will not insult them by trying to critique or compare. I will only say that both their music and their performances are among the best around.

Their first release, which was a cassette, sold somewhere between a thousand and fifteen hundred copies. Both Thomas and Van Wagenen are wary of the inevitable comments that they were much better before they "sold out", or "compromised their standards." News flash: they haven't sold out, because there really isn't anything to sell out to. And as for compromising their standards, they have tried to, but it doesn't work. Their live show is always what has been the primary source of their draw. Because of this, they predict that some people will hear the disc and be disappointed that it is not the same as live.

I think that if this comes as a surprise to you, then you're probably lacking somewhere, because studio releases almost never sound as vibrant or powerful as live shows.

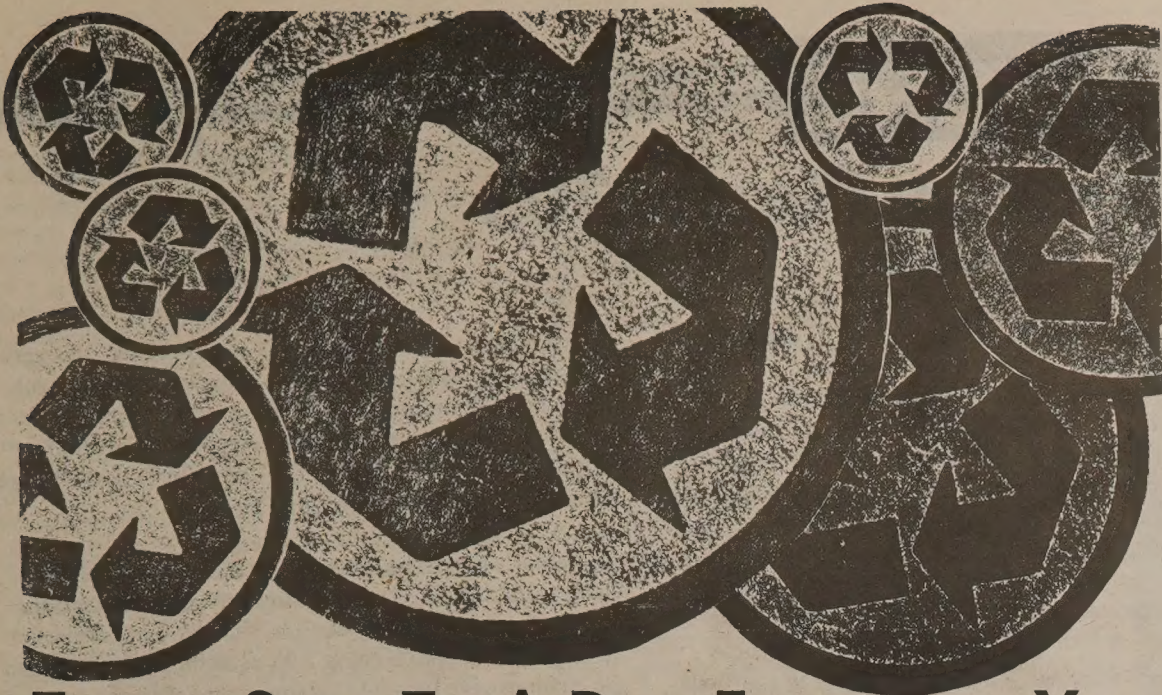
While they admit the disc is different in some ways (they are on key for one thing), they maintained the intensity level and got out of each song exactly what they wanted to. Their one complaint about the disc was that they felt pressure to make it longer than they intended. Listening to the final product, however, it did not sound to me as if there were any "fillers" or other musical compromise.

The disc has been available for some time now, but was officially released Halloween night at a special release party at the Edge. There were more injuries during their set at Great Expectations than during any other, so if you didn't make it to

the release party you can imagine what you missed out on.

As for the future of Stretsch Armstrong, everyone feels very confident with where they are now. While they are doing "what it takes to get noticed," none are staking their lives on what happens with the band. Half of the members are married, some have kids, and all have real lives. While this definitely is not a side project, they view what they are doing in a very realistic light. They would like to tour, but because of school schedules, etc. they are restricted to the summertime and weekends. Because of this, they are planning to record again soon so that they can promote Lollygag along with another 6-song disc, possibly next summer.

(I have been going to this band's gigs for about three years now. Wacky, wild, crazy fun!! Their sax player Dan Nelson is THE man! —Noise Editor)



TWELVE STEPS TO A DEEP ECOLOGICAL YOU

By KATE SNYDER

(The following is taken from the third annual Earthaholics Anonymous Conference held September 31st at the L.L. Bean Museum. Dr. Williams' speech is printed with his permission in the hope of reaching others.)

Hi, I'm Henry Waldo Williams, and I'm an Earthoholic. [Audience response: "Hi Henry!"] I say this with pride, without the fear of being labeled a granola, or a %#@* tree-hugger. But there are many who still haven't come to terms with their environmental tendencies, people who long to recycle, but suppress that longing by hunting defenseless animals or driving diesel semis one block to visit a friend. Today, I offer you a light at the end of your eco-tunnel. The Earthoholics Anonymous Board of Directors has devised these "Twelve Steps to a Deep Ecological You:"

1. Admit you're an Earthoholic. Recite the Earthoholics Anonymous credo twice a day, once to a person, and once to a shrub: "I'm proud to reduce, re-use, and recycle. If you have a problem with that, I'll reduce, re-use, and recycle *you*."

2. Recognize the environment around you. Venture once again on the proverbial hike to the Y you went on as a freshman. This time dismiss all NCMO thoughts and instead focus on the surrounding nature.

3. Recycle the *Daily Universe*. I know this may mean actually picking a copy up... [Audience response: groans and moans] Hey, stop the whining. I'm not asking you to *read* it, just recycle it. [Audience response: sighs of relief and applause]

4. Wallpaper your room with *Student Review*. Sleep with one of Matthew Workman's 3608 wasted characters every night, and dream of top twenties. (However, *Student Review* will take no responsibility for any resulting phobias.)

5. Walk and/or ride a bike. Besides helping the environment, you'll be in better shape (more dates), and have money you would normally spend on gas (more dates).

6. Purchase items that have been made from recycled materials. You'll take more thorough notes on recycled notebook paper because the guilt that comes from killing trees will have been eliminated.

7. Take advantage of the UTA. So, it may take thirteen hours to get to the University Mall—but think of all that studying you can get done, not to mention the ideal environment a bus provides for "people-watching." The bottom line is, you'll get better grades and have higher self-esteem.

8. Join an environmental group. Not only will you be helping—you can meet fun and interesting people too. Most importantly, you will have something impressive to put on applications and resumes.

9. Buy a piece of the rainforest or adopt a whale. It provides an original and effective pick-up line, and will give you a sense of your individual power.

10. Become a REAL vegetarian. No meat, no eggs, no dairy products, no leather. Now would be a good time to dispel the "Birkenstock Myth." Wearing just any pair of Birkenstocks does not connote environmental awareness—only wearing a pair of the non-leather versions does.

11. Protest. It's not as challenging as it sounds. Causes are easy to find—because just about everything hurts the environment, even step number two. However, if you lack creativity, Geneva Steel is always close by.

12. Choose a career that parallels the new deep ecological you. Form a company that sells environmentally-conscious products. Practice environmental law. Plant trees. If you are unsure about whether your career is compatible with the environment, figure out your salary. If you can't support a family, you know that you have made the right choice (or you're an English major).

I hope that these twelve steps will start you off on the deep ecological path to personal happiness. It worked for me and it can work for you—because you're good enough and you're smart enough to reduce, re-use, and recycle. Thank you. [Audience response: Wild clapping and throwing of donations for Greenpeace.]

CONTINUED...

NINE INCH

"Pretty Hate Machine," the new songs are more anthemic, but just as piercing and soul searching.

No one can truthfully say that he has not felt the emotions embodied in these songs. Fans, myself included, are able to know that someone understands what their problems really are. By listening to someone else rant, rave, and virtually explode, thousands of teenagers' damaging and sometimes even destructive emotions are released harmlessly. Which is why I think that it was a travesty that no one was allowed to mosh during this concert.

Now, I am not a wild person, but I do want to move to a potent song. Half of a concert is feeling the energy being released by other fans. The safest and most exhilarating way to do this (that I have seen) is through moshing. I'm surprised that Trent allowed his fans to lose half of the concert's value. If I were him, I would have moved the venue or played for fewer people; anything to allow my fans to mosh. As it was, the Delta Center security wouldn't allow any movement. Anytime I moved about a foot out into the aisle I was pushed back into my seating area. It was a total letdown for me and many other fans as well.

Trent, are you listening?

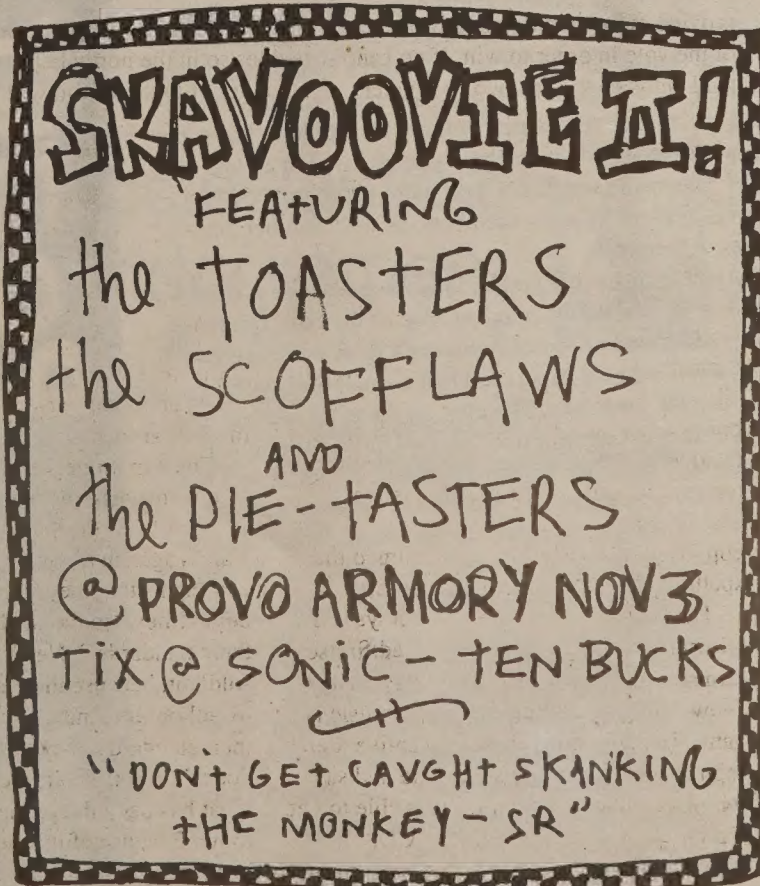
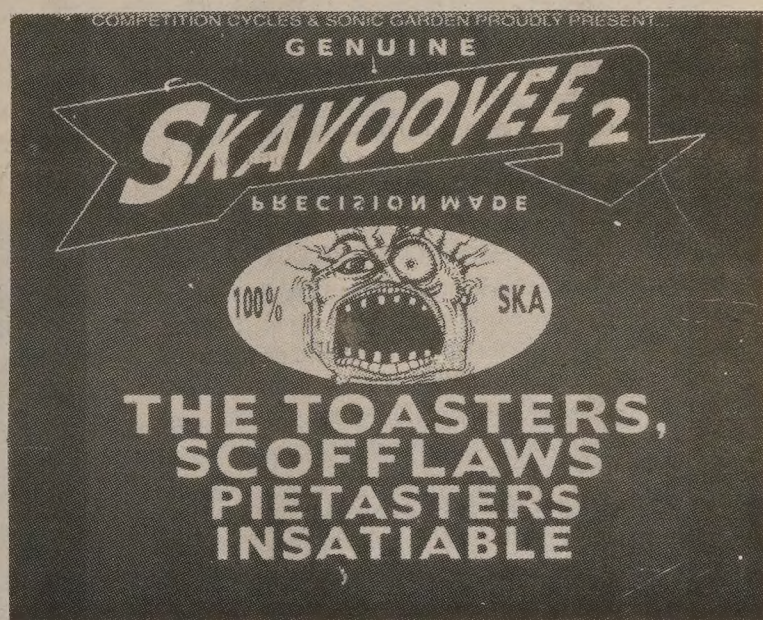
Some argue that moshing promotes violence, crime, sex, etc., but from what I've seen, moshing leaves just about enough energy to kiss Mom and Dad goodnight and fall into bed. In my opinion, the psyche that is not allowed to release pent up pressure heals far slower than a few bumps and bruises on the body allowed to mosh. After this concert I saw more violent fights than I ever have, and I attribute it all to the lack of a moshpit. In this regard, the Delta Center officials, the owner included, showed disregard, contempt, and disrespect for all 10,000 fans in attendance.

But, how did it all end? How all momentous evenings must end: "Closer to God".



Life Found Under BYU

Two startled BYU students touring the tunnels beneath campus managed to snap this picture of an unidentified tunnel resident before turning to flee last Saturday night. BYU officials were skeptical. "This is ridiculous," said Executive Vice President "After all, this is the Lord's University."



FINDING IDENTITY IN GALLERY 303

BY CANDACE KEARL

Wandering through Gallery 303 the other day, I was drawn by the sounds of a woman's soft television voice and rhythmic background music to a small room in the middle of the gallery. "The theme of this exhibit is Identity," the black letters at the threshold of the room told me. I turned around to a mirror enclosed by a window and was shocked that I could not see my face for the image on the glass in front of me. A smudged, washed-out figure of a face reflected mine, and a mask was painted on the glass below it, as if it had just been pulled away to reveal...nothing. Overhead there was a black handprint on the glass. I put my hand over it and read the words of Octavio Paz on the bottom of the display: "While we are here, we can not escape masks and names." I stared back at the nothing on the glass.

The work on display is that of Carleen Jimenez, and art therapist. A developing profession since the 1930s, Art Therapy "seeks to promote growth and change through the use of art and art-making," as defined by Jimenez in her display. The artwork in the room is the result of Jimenez's research and training as an art therapist. However, just as a psychiatrist keeps confidential the progress of his or her patient, so must Jimenez; therefore, the display consists of her own artwork rather than her patients'.

Peeking into the room, I found the source of the woman's voice: a small TV monitor was showing a brief video in which Jimenez described both the display and her responses to her research, study, and art. The idea of "personal identity" was compared to a box because of its many surfaces, its variety of resting positions, and the different angles from which it can be viewed. Further, identity has distinct details that give it shape, to keep its "box" from collapsing, and personality, which makes it unique. As I looked around the room, I saw that almost all of the pieces were glass boxes adorned with photographs and having other types of memorabilia inside of them. Each box was the maker's attempt to define her own identity through how she viewed herself and her relationships with other people.

Yet, more intriguing, said Jimenez, both about the boxes and the idea of identity itself, is what is inside—the thoughts and images portrayed, the memories and dreams coaxed to the surface. Although I found that it was not possible to open any of the boxes that were on display, each one does open to reveal inward, more personal objects that cannot be seen as well from the outside. *The boxes are symbols of ourselves*, I thought: the shallow, cursory details on the outside that reflect our public presentations; and the deep, intimate images within, hinting at things that perhaps we don't want anyone else to know, but need to make visibly aware in ourselves.

The boxes *were* intriguing, too. Each one had a definitive theme behind it. The first box shown in the video was untitled, and actually was displayed to the left of the monitor. On the front of the box were photographs of Earth and a stone fortress, color-copied and cut out, with other pictures arranged in a likewise fashion on the sides and the back of the box. The video had a shot of the inside of the box, with the lid off, and gave me a glimpse of Jimenez's inner self, which I otherwise wouldn't have been able to see, since the box was enclosed in a glass case. The inside was filled with more photographs of people, probably family members, as well as other talismans of memory.

Another piece that grabbed my attention was a lone mask displayed on the opposite side of the box. The mask, in a clear plastic shape of a woman's face, was covered with wrinkled gold paper, and had a small bird skull in between the eyebrows. The eyes on the mask were closed, as if it were asleep. Entitled "Make-Up-Box for an Art Therapist," the video revealed that this mask is also a box, which opens to expose a collection of Jimenez's mementos. Going "inside my head," as she put it, signified to me the things that we deep to ourselves, almost hoarding them just to know that something exists that is exclusively, and individually, ours.

AS I began to think about the meaning of these boxes, I realized that the idea behind them was not so far away from Mormon colloquial tradition. I remember at my aunt's wedding reception in the early eighties seeing a "shadow box," a small wooden box with tiny shelves and compartments, which she had made for her trousseau. In it she had put class rings and pins, pictures of her and her husband, and other reminders of events that had particular

significance in their relationship. Although I don't see this as being as popular today as it was for her and my parents' generation, I think that it was more than a mere stab at sentimentality—it was a definition of what they meant to each other. In the same spirit, as teens, we also defined ourselves in that oh-so-critical identity crisis of junior high school, by putting up magazine cutouts and stickers of our favorite rock groups, brand names, and actors in our lockers. Though these examples may be trivial in the face of more serious issues of mental health, the interesting thing to me now is that this same idea can help people define their feelings and regain their identity in a difficult life situation.

Until I saw this exhibit, I hadn't fully considered the use of art in clinical psychotherapy. Raised in a home where the study of music was encouraged, I naturally have thought of music as a means of expressing my emotions in a way that nothing else could. I often had heard of abused children drawing pictures and physically abused women painting t-shirts in order to come to grips with their emotional turmoil. This is what art therapy is. Art therapist Bruce L. Moon, and adjunct faculty member of Lesley College and CO-director of the Clinical Internship in Art Therapy at Harding Hospital in Worthington, Ohio, has worked with mentally ill patients through poetry, drama, music, sports, and visual arts. In his book, *Introduction to Art therapy: Faith in the Product* Moon describes art as "an act of love," and defines love as "the will to attend, to the self and to others." Moon further asserts that the part about art therapy that makes it so appealing to patients is that they can express their feelings in a "metaverbal" manner—that is, they don't have to use words to re-live their pain, but can work out their feelings just the same. The resulting work also gives the art therapist a way to assess the patient's needs and to establish an open relationship to help. Moon also described art as being a personal metaphor, which immediately brought me back to the idea of capturing our identities in a box, as is exemplified in Jimenez's display.

"Human beings are the makers of objects and, in a very real sense, the objects we make both construct and reveal the Identity of their maker," Jimenez writes. Through visually observing the "Identity boxes" in Gallery 303 I suddenly realized the truth of this statement: I haven't been making art...art has been making me.

Author's note: The other part of the current exhibit in Gallery 303 is a display of paintings by Jenni Christensen and ceramics by Andrew Watson. Christensen's media are oil on gourds (!) and etching with aquatint. The gourds and the etchings give incredible texture to the different types of flowers that are presented on them. Small defining lines are carved in the gourds to enhance the lines in the flowers and leaves created in the works. Watson's pottery is typified by ocean and animal themes. My favorites were "Potato Bug" and "Abalone." (Incidentally, Watson teaches ceramics at the high school I went, and is reputable among the student body for the ability to throw pots with his *feet* !!!). Stop in and see this exhibit which will run until October 27th in F-30 3, HFAC (just to the right of the Theatre Ticket Office).

Also, there is an opportunity this week for the BYU community to apply art therapy on campus. VOICE is sponsoring "The Clothesline," a means for victims of violence to anonymously express their feelings about their abuse. Different colored t-shirts representing different types of violence may be decorated by victims or by their friends, as long as they give them permission to do so. Any student or faculty member is invited to take part in this activity. Heidi Kunz, coordinator of the activity, and Susan Bagley, CO-coordinator of VOICE, commented on the healing power of "The Clothesline" on those who both decorate and view the t-shirts. Kunz also remembered how "The Clothesline" raised awareness of abuse last year and made people realize that "it does happen in this community." "The Clothesline" will be displayed in the Checkerboard Quad October 24-28.

POETRY BY ELISSA MINOR

A Visit to Ashland: Losing a Family

Even a summer day can be meek and cold, the way the tree in front of the Dairy Queen grows down, instead of up, its branches offered just a sigh at the ground, and its leaves confused at their place in the world.

Shadows dance, then settle, when my brother speaks a voice, and they cluster the part in my head that talks about fear. I wonder if him knowing would change things—if he knew that my legs were quivering (they've only done that three other times in my life), and that I want a llama farm, and I have a few good friends, and I cry when trees are forced to grow back into the ground, and sometimes, even I can't sleep.

Maybe it would change that he resents us being here: his family coming like a pack of wolves to take what's really theirs, or lick its paws. This tense invasion of his world has seen him locked outside of what is his element, and left him for the chill outside. Ashland ate my brother, and he never knew.

Even the cold can hide itself inside a summer day, and the knowing of it is anything but warming.

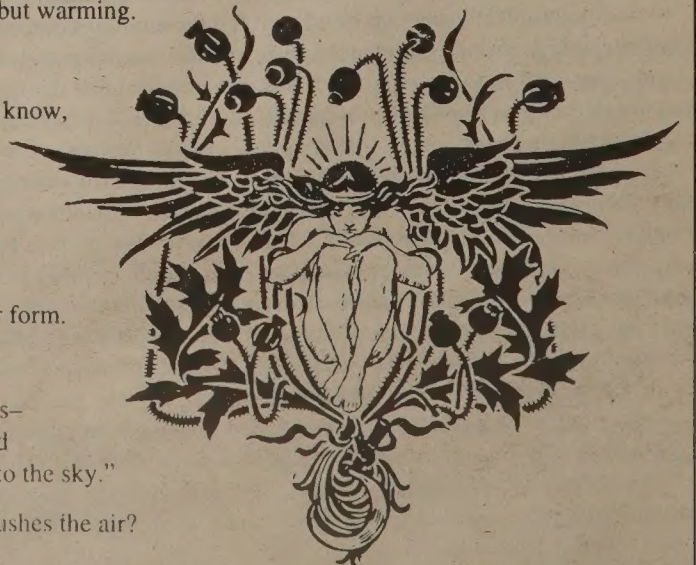
Making the World Easy

Sometimes Shakespeare is wrong, you know, and it's not a question of to be or not but how to know the wind and when to get up in the morning.

It happens this way: you turn a corner and find yourself inside the air. A hawk searches you and lectures your form. The world speaks, "Learn to fly without being noticed. You've seen where the mountains cross—well, look past there and catch the wind just outside the world—make a present to the sky."

Should you turn home when the rain pushes the air? That is the question.

POETRY



CONTINUED...

PEOPLE V. PROPHET

he have ruled on a *habeas corpus* motion. Nor could Warren go about "freeing Smith on the writ;" (Gayler 1955, 6; Gayler 1963, 25) Smith's history makes it clear that the company went first to Nauvoo and then to Monmouth in the custody of Adams County Sheriff King (HC 4:365-6)

7. Warren is mistakenly called "Charles A. Warren" in HC 4:365, 367 and in HC Index 460. The error is repeated in Roberts 2:79 and in Gayler 1955, and in Gayler 1963, 24. The error probably derives from TS 2:447 (June 15, 1841), which refers to Warren only as "C.A. Warren." Calvin Warren served as Joseph Smith's lawyer on more than one occasion, and was involved in a land transaction with the Mormons. (see Hamilton, 1989b) Conclusive proof that C.A. Warren was Calvin A. Warren is found at Gregg 1880, 275 and Gregg 1890, 197, where the master in chancery is identified as Calvin Warren. Warsaw resident and publisher Thomas Gregg would not have erred on that point; was personally acquainted with Warren.

8. It was fairly common for letter-writers on the frontier to use pseudonyms when writing for publication!!!! even when the letter-writers were treating non-controversial topics.

9. Gayler (1955, 9; 1963, 27-8) errs in calling this quotation an editorial opinion of the *Wasp* newspaper, which was published by the prophet's brother William Smith, and which seldom hesitated to take feisty editorial positions. (Se Hamilton 1989c) However, this reference to the presumed killing as a "Noble Deed" occurs in a pseudonymous letter of the *Wasp*, which was published without any comment from the editorial staff of the newspaper.

10. This letter from Smith (HC 5:14-5) was, as stated, written in response to an article in the *Quincy Whig*. It was published in the *Wasp* (28 May 1842). There's no indication that it was intended for the *Warsaw Signal*, as Gayler suggests. (1955, 6; 1963, 28). In fact, the *Signal* was closed from the issue of 4 May 1842 until 9 Jul 1842, because, as Sharp put it, of "pecuniary embarrassments." (WS 4 May 1842)

11. Godfrey (1967, 168) gives 7 August as the date of their arrest; this is clearly an error, since every contemporary source lists Monday the eighth as the date of both the arrest and the release on *habeas corpus*.

12. Gayler, (1955, 11; 1963, 29) indicated that Illinois Governor Carlin and Missouri Governor Reynolds were equally "chagrined" at the escape of Smith. There is no evidence that Carlin acted out of any particular animus toward Smith; in fact, Judge Pope would make it clear in his final decision on the warrants that Carlin had a "duty" under Illinois and federal law, to issue the warrant for Smith's arrest. (Ex Parte Smith, 376) In addition, a rumor that Carlin had converted to Mormonism, offered by Gayler as one explanation current in the community for Carlin's lack of success in bringing Smith to justice, appeared in print in July 1841, well before this attempted arrest. (WS 14 Jul 1841) Gayler incorrectly cites the appearance of this rumor as occurring in 1842. (1955, 11; 1963, 30) Clearly, such a rumor had not bearing on Smith's narrow escape in August 1842. Carlin did offer a reward for the arrest of Smith, and defend his issuance of warrants in a letter to Emma Smith, Joseph's wife, but these acts seem merely as supporting his sworn duty as the chief law enforcement officer of the state. (HC 5:153-5)

13. Thomas Ford, who was himself a lawyer, confused himself again as to the nature of the charges against Smith. In his *History*, Ford states that the 1842 arrest, including the proceeding before Judge Pope, was based on the old, unresolved treason charges. (1854, 314)

14. It's unclear why the federal district court was selected, when the earlier letter from Butterfield had suggested relief could be found at the Illinois Supreme Court. One possible explanation is that Butterfield had been serving as the U.S. attorney for Illinois; he this would have been well know to Judge Pope. The switch in forum has proven confusing to some scholars; for example, Gayler 1955, 13; Gayler 1963, 32; and Godfrey 1967, 170 all suggest that this hearing was before an Illinois court.

15. Hill (1977, 320) errs in calling the proceeding before judge Pope a "trial." As is clearly set out in Ex Parte Smith, the case "came before the court upon a return to a writ of *habeas corpus*, not a trial of the charge of being accessory to the shooting of Boggs.

16. Pope is often thought of as a lightweight among students of this case. Joseph Smith's journal says he arrived on the bench "with ten ladies by his side." (HC 5:220) Whatever his courtroom deportment, his written opinion in the case was often cited as precedent by 19th century judges, including one case of the Supreme Court. (Rice v. Ames, 180 Us 374, 1900)

17. Ford (1854, 315) states that the 1843 arrest warrant was for the attempted assassination of Boggs. However, Ford's own warrant under which

Smith was arrested, (HC 5:465), the petition of Smith to the Nauvoo municipal court, (HC 5:461-3), and the order of the municipal court releasing him (HC 5:463-4), all refer directly or indirectly to the Missouri treason charges, not attempted murder. Ford, like many others to follow him, was probably confused by the many charges against Smith in the Nauvoo years.

18. Gayler (1955, 14; 1963, 33) says that Reynolds had a force of 115 armed men at Dixon when Smith was captured. Non of the contemporary records confirms this.

19. Gayler suggests (1955, 16; 1963, 34) that Smith had "forgotten" that *habeas corpus* writs would be heard in Monmouth, Illinois, which was enroute from Dixon to Nauvoo, and where Smith had been freed by Judge Douglas from his 1841 arrest. Gayler errs in not understanding that the court which heard the case in 1841 had been a circuit court, in session in each county seat for only two weeks per year.

20. The charge of adultery, sworn to by William Law., arose from the prophet's initiation of plural marriage in Nauvoo. It's unclear what Law knew or could swear to; Joseph Smith's history flatly states that "there was much false swearing before the grand jury." (HC 6:405) The charge of perjury stemmed from assault and robbery charges that had been filed in Nauvoo against Alexander Sympson on 17 Jan 1844. Sympson claimed that the charges had been based on an affidavit from Smith; Smith denied any involvement. (WM 7 Feb 1844 (#47); Gregg 1880, 299-301)

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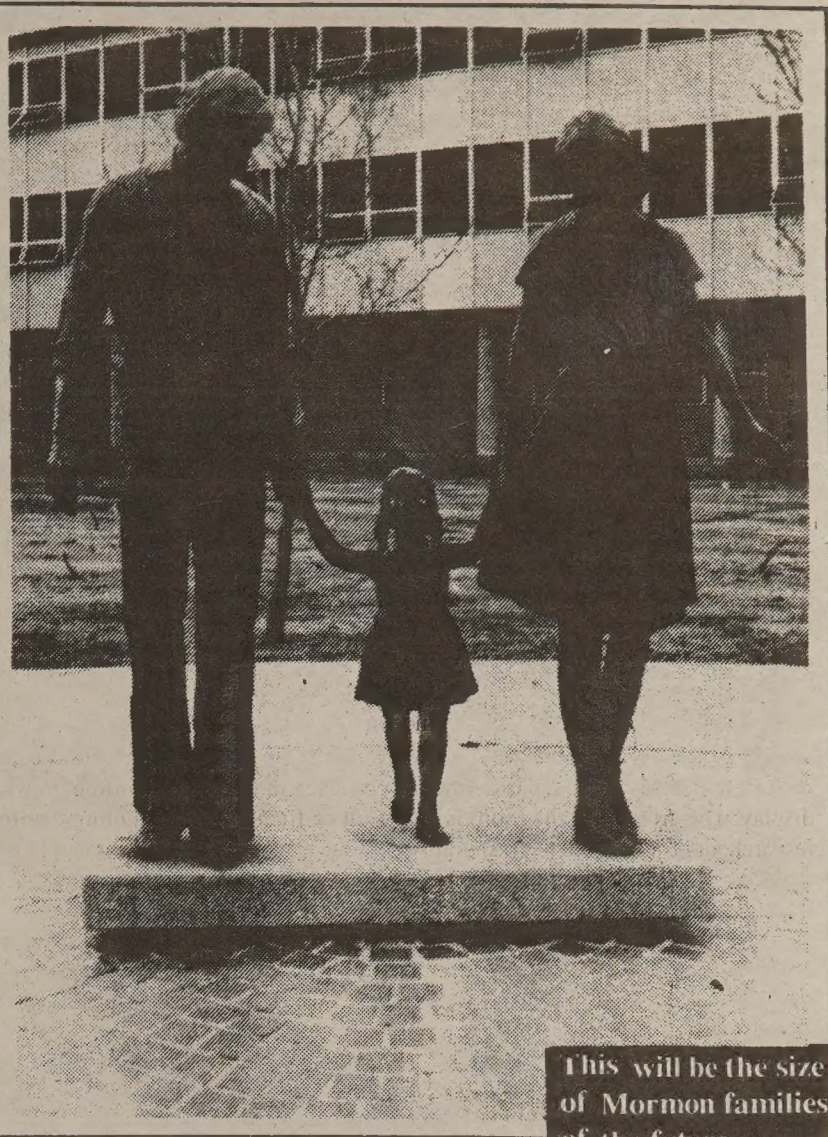
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This will be the size of Mormon families of the future.

NEW DOCTRINE ROCKS LDS CULTURE

By Mike Mower
Super Special Reporter

In a surprise announcement today the LDS Church said that the size of the family will be limited to a total of three people. Mark Jones, Church spokesman said, "We were just getting tired of many great High Council talks being ruined by crying children, not to mention the expense of sending three or four sons on missions. How can a school teacher from Sandy afford it?"

The reasons for this move are not only monetary; the word from On High is that there are just not many more spirit children waiting to come down to this world. Helen and Floyd LaBean from Burley commented, "We're sure glad we've had our twelve kids. It would be hard to farm potatoes with one child."

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